

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION**

HELEN CHANDLER
Plaintiff,

vs.

STATE AUTO PROPERTY & CASUALTY
INSURANCE COMPANY, KAREN
SNAVELY, AND GARY CONNEL
Defendant.

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Civil Action Number

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Defendants, State Auto Property & Casualty Insurance Company, Karen Snavely, and Gary Connel, file this Notice of Removal pursuant to 28 U.S.C. §1446(a), and would respectfully show as follows:

I.
INTRODUCTION

1. Plaintiff is Helen Chandler ("Plaintiff"); Defendants are State Auto Property & Casualty Insurance Company ("State Auto"), Karen Snavely ("Snavely"), and Gary Connel ("Connel") (hereinafter collectively referred to as "Defendants"). *See* Plaintiff's Original Petition, attached as Exhibit "A-1." Defendants State Auto, Snavely, and Connel jointly file this Notice of Removal.

2. On August 18, 2015, Plaintiff filed Cause No. D150358C, *Helen Chandler v. State Auto Property & Casualty Insurance Company, Karen Snavely, and Gary Connel*, in the 391st Judicial District Court of Tom Green County, Texas ("State Court Action"). *See* Exhibit "A-1". Plaintiff's suit alleges breach of contract against State Auto, violations of the Texas Insurance Code, negligence, gross negligence, and negligent misrepresentation against Snavely and

Connel, and the following allegations against all Defendants: violations of the Texas Deceptive Trade Practices Act, unfair insurance practices, breach of good faith and fair dealing, fraud, conspiracy, and aiding and abetting. All allegations relate to storm damage allegedly suffered to Plaintiff's home located at 2801 Hemlock Drive, San Angelo, Texas.

3. Citation was issued and State Auto was served with the suit on August 21, 2015. *See* Exhibit "A - 3" and "A - 6" and Affidavit of Jack Dickens, attached as Exhibit "B". Snavelly was served with the suit on August 29, 2015. *See* Exhibit "A - 4" and Affidavit of Karen Snavelly, attached as Exhibit "C". Connel was served with the suit on September 1, 2015. *See* Exhibit "A - 5" and Affidavit of Gary Connel, attached as Exhibit "D". Defendants file this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007). Defendants file an answer contemporaneously with the filing of this Notice of Removal.

4. Plaintiff has not filed any amended pleadings and no additional parties have been joined.

II.

REMOVAL BASED ON DIVERSITY JURISDICTION

5. Pursuant to 28 U.S.C. §1332(a), Defendants remove this case as it involves a controversy between parties of diverse citizenship and an amount in controversy that exceeds \$75,000.

6. Plaintiff is a citizen of Texas. *See* Exhibit "A - 1". State Auto is a foreign corporation organized under the laws of the state of Iowa with its principal place of business located at 518 E. Broad Street, Columbus, Ohio 43215. *See* Exhibit "B". Snavelly is a citizen of Ohio. *See* Exhibit "A-1." Connel is not a citizen of Texas as alleged in Plaintiff's Original Petition. *See* Exhibit "A-1." Connel is a citizen of Ohio. *See* Exhibit "D."

7. Additionally, the amount in controversy exceeds \$75,000, excluding interest and costs. 28 U.S.C. §1332(a). Plaintiff's Original Petition seeks "monetary relief over \$100,000.00, but not more than \$200,000.00." See Exhibit "A-1".

8. An Index of Exhibits is attached as Exhibit "A." Copies of all pleadings, process, orders, and other filings in the State Court Action are attached to this notice as Exhibits "A-1" through "A-6", as required by 28 U.S.C. §1446(a).

10. Venue is proper in this District under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this District and within this Division.

11. State Auto will promptly file a copy of this notice of removal with the clerk of the court in the pending State Court Action.

12. In accordance with Northern District Local Rule 81.1, a separately signed Defendants' Certificate of Interested Persons is attached as Exhibit "E".

III. JURY DEMAND

13. Plaintiff demanded a jury in the State Court Action. See Exhibit "A-1".

IV. PRAYER

WHEREFORE PREMISES CONSIDERED, Defendants pray that this case be removed to the United States District Court for the Northern District of Texas, San Angelo Division, and that further proceedings in the State Court Action be discontinued, and that this Court assume full jurisdiction over such action as provided by law.

Respectfully submitted,

/s/Sterling Elza
Sterling Elza
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**ATTORNEY FOR DEFENDANTS,
STATE AUTO PROPERTY & CASUALTY
INSURANCE COMPANY, KAREN SNAVELY,
AND GARY CONNEL**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing was served upon the Plaintiff, by serving counsel of record, Shelly Enyart, Speights & Worrich, 1350 North Loop 1604 E., Suite 104, San Antonio, Texas 78232, (210) 495-6790, via fax and certified mail, return receipt requested, on this the 11th day of September, 2015.

/s/ Sterling Elza
Sterling Elza